

SUMMONS IN A CIVIL ACTION - COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER
CLEVELAND, OHIO 44113

CASE NO.
CV16871642

D1 FX

SUMMONS NO.
31156269

Rule 4 (B) Ohio

Rules of Civil
Procedure

ERIC T. ARNOLD
VS
CAROLINE HURWITZ

PLAINTIFF

DEFENDANT

SUMMONS

CAROLINE HURWITZ
15 BEACH AVE
MILFORD CT 06460-0000

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on:



Plaintiff's Attorney

ROBERT T. GLICKMAN
101 WEST PROSPECT AVENUE

SUITE 1800
CLEVELAND, OH 44115-0000

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

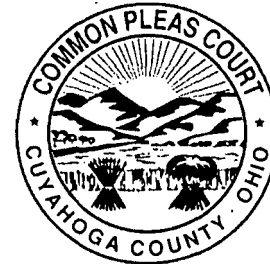
Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

SHIRLEY STRICKLAND SAFFOLD
Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD
Clerk of the Court of Common Pleas



DATE
Jan 10, 2017

By

Deputy

COMPLAINT FILED 11/09/2016





NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
November 9, 2016 14:07

By: ROBERT T. GLICKMAN 0059579

Confirmation Nbr. 905728

ERIC T. ARNOLD

CV 16 871642

vs.

CAROLINE HURWITZ

Judge:

SHIRLEY STRICKLAND SAFFOLD

Pages Filed: 6

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ERIC T. ARNOLD)	CASE NO.:
34 Pepper Creek)	
Pepper Pike, OH 44124)	JUDGE:
)	
)	
Plaintiff,)	
)	
vs.)	<u>COMPLAINT</u>
)	
CAROLINE HURWITZ)	(Trial by Jury Demanded)
735 Hardwick Dr.)	
Aurora, OH 44202)	
)	
Defendant.)	

Now comes Plaintiff, Eric T. Arnold, and for his claims for relief states as follows:

1. At all times material hereto, Plaintiff, Eric T. Arnold, was a resident of Cuyahoga County, Ohio and attended the Hawken School in Gates Mills, Ohio until his graduation in 2012.
2. At all times material hereto, Defendant, Caroline Hurwitz, was a resident of Portage County, Ohio and was a student at Hawken School in Gates Mills, Ohio.
3. The actions taken by Defendant that give rise to this complaint occurred in Chagrin Falls, Ohio.
4. Plaintiff and Defendant were long time acquaintances through school and had engaged in sexual contact prior to October 27, 2012.
5. On or about October 27, 2012, Plaintiff and Defendant interacted socially at a party in a home at 193 S. Franklin St., Chagrin Falls, Ohio. During this fun social interaction, Defendant willingly went to an upstairs room with Plaintiff and engaged in consensual sexual contact and sexual conduct with Plaintiff.

{00951716-1}

6. On or about November 15, 2012, Defendant negligently, knowingly, falsely and/or with malice against Plaintiff signed a statement at the Chagrin Falls, Ohio Police Department stating that Plaintiff engaged in sexual conduct with Defendant on October 27, 2012, by force and against her will. These statements of alleged fact were also made by police report and otherwise by Defendant.

7. The false and defamatory statements set forth above were negligently made by Defendant and/or were maliciously and intentionally made by Defendant with complete and utter disregard for their truthfulness and with the intent to cause damage to Plaintiff.

8. The false and defamatory statements set forth above were communicated to the Chagrin Falls, Ohio Police Department and to the Cuyahoga County, Ohio, Prosecutor's Office and caused a malicious criminal prosecution to be instituted and continued against Plaintiff in the Cuyahoga County Common Pleas Court in case number 13-CR-570388.

9. The false and defamatory statements of the Defendant resulted in the Plaintiff being indicted for Rape, in violation of Ohio Revised Code Section 2907.02(A)(2) and for Kidnapping, in violation of Ohio Revised Code Section 2905.01(A)(4). Both Rape and Kidnapping, as charged, constituted felonies of the first degree and each was punishable with a maximum term of imprisonment of eleven (11) years.

10. Defendant's apparent sole intent in seeking criminal charges against Plaintiff as set forth above was for the improper purpose of harming Plaintiff.

11. As a direct and proximate result of the acts and/or omissions of Defendant set forth above, Plaintiff has been caused to incur severe and irreparable damage to his personal reputation, has suffered severe emotional distress, and has caused monetary damages in the form of legal fees and expenses.

12. Defendant authored an article published in the New York Times on April 8, 2016 (the “Article”).

13. In the Article, Defendant describes herself as being raped at a “house party.”

14. While Defendant did not include Plaintiff’s name in the Article, it included Defendant’s real name in the byline.

15. Defendant knew the Article would be read by people in northeastern Ohio and that group of people included, but was not limited to, former classmates of both Plaintiff and Defendant from Hawken School.

16. Defendant knew that people including, but not limited to, Plaintiff’s and Defendant’s former Hawken School classmates would know that Defendant was referring to Plaintiff as her “rapist.”

17. All sexual encounters between Plaintiff and Defendant were consensual.

18. Defendant’s statement in the Article that she was raped was made negligently, knowingly, falsely and/or with malice against Plaintiff.

19. As a direct and proximate result of the acts and/or omissions of Defendant set forth above, Plaintiff has been caused to incur severe and irreparable damage to his personal reputation.

COUNT I
(Malicious Prosecution)

20. Defendant acted with malice in instituting and/or continuing the prosecution of Plaintiff in the criminal case captioned *State of Ohio v. Eric T. Arnold*, Cuyahoga Common Pleas Case No. 13-CR-570388.

21. Absent the false and defamatory statements of Defendant, there was an absence of probable cause to bring criminal charges against Plaintiff.

22. The prosecution of Plaintiff resulted in a jury verdict, rendered after approximately fifteen (15) minutes of deliberations, of Not Guilty on all counts of the indictment on April 17, 2014.

23. Defendant's actions were intentional, willful, malicious and done with conscious disregard for the rights of Plaintiff, rendering her liable for punitive damages and attorneys' fees.

24. Plaintiff, Eric T. Arnold, has been damaged by Defendant and demands compensatory and punitive damages in excess of \$25,000 together with costs and interest herein taxed against Defendant, Caroline Hurwitz.

COUNT II

(Defamation)

25. Plaintiff restates all allegations set forth in Paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. Defendant's statements in the Article that she was "raped" were false and defamatory.

27. The false and defamatory statements made by Defendant in the Article were made negligently, maliciously, and/or intentionally with the complete and utter disregard for their truthfulness.

28. Defendant's actions were intentional, willful, malicious and done with conscious disregard for the rights of Plaintiff, rendering her liable for punitive damages and attorneys' fees.

29. Plaintiff was damaged by the false and defamatory statements in the Article and demands compensatory and punitive damages in excess of \$25,000 together with costs and interest herein taxed against Defendant, Caroline Hurwitz.

WHEREFORE, Plaintiff, Eric T. Arnold, demands judgment in his favor on Count I and Count II along with compensatory and punitive damages in an amount in excess of \$25,000 together with costs, interest and attorney's fees herein taxed against Defendant, Caroline Hurwitz.

Respectfully submitted,

s/Robert T. Glickman

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Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby demands a trial by jury comprised of the maximum number of jurors allowed by law.

s/Robert T. Glickman

Robert T. Glickman (0059579)